

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**JESUS SILVA,**

**Petitioner,**

**v.**

**CASE NO. 2:16-CV-00381**

**JUDGE JAMES L. GRAHAM**

**Magistrate Judge Elizabeth A. Preston Deavers**

**WARDEN, CCI,**

**Respondent.**

**OPINION AND ORDER**

On July 29, 2016, the Magistrate Judge issued a *Report and Recommendation* recommending that Respondent's *Motion to Dismiss for Lack of Jurisdiction* (ECF No. 6) be granted and that this action be transferred to the United States Court of Appeals for the Sixth Circuit as a successive petition. (ECF No. 7.) Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* (ECF No. 7) is **ADOPTED** and **AFFIRMED**. Respondent's *Motion to Dismiss for Lack of Jurisdiction* (ECF No. 6) is **GRANTED**. This action is **TRANSFERRED** to the United States Court of Appeals for the Sixth Circuit as a successive petition.

**IT IS SO ORDERED.**

Date: September 6, 2016

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s/James L. Graham  
JAMES L. GRAHAM  
United States District Judge